

Applicants respectfully submit that in the absence of any annunciated basis, the PTO has not carried its burden of proof stated in MPEP §808.01 and the burden implied by MPEP §806.04(f). On that basis, Applicants traverse the Election requirement.

Furthermore, MPEP §803 states the following:

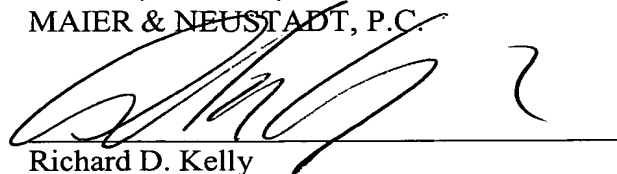
If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

Claims 1-4 are all directed to in-vehicle occupant image pickup apparatus, Claim 5 is directed to an in-vehicle instrument panel unit which is equipped with an in-vehicle image pickup apparatus, and Claims 1 and 5 are acknowledged as generic. Thus, it appears that the claims in the present application are part of an overlapping search area and that a search for Claims 1, 2 and 5 would necessarily include a search directed to the rest of the claims as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP §803, and Applicants respectfully traverse the Election of Species Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single disclosed species be withdrawn, and that a full examination on the merits of each of Claims 1-5 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Richard D. Kelly  
Attorney of Record  
Registration No. 27,757

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Akihiro Yamazaki  
Registration No. 46,155

RDK/AY/mda  
I:\ATTY\AKY\24s\240151\240151US\_ELE.DOC